

## REMARKS/ARGUMENT

Claims 1-16 are currently pending in the present application. Applicant respectfully traverses all claim rejections for the reasons that follow:

### I. REJECTIONS OF CLAIMS 1-16 UNDER 35 U.S.C. § 103(a)

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over German Published Patent Application No. 1 044 579 (hereinafter "DE '579") in view of U.S. Patent No. 5,474,219 to Mano (hereinafter "Mano"). Respectfully, Applicant traverses.

Claim 1 relates to "[a] blanking device in a cutting machine . . . comprising: a lower tool . . . *having a plurality of openings therein generally shaped, sized and positioned to the blanks* on the sheet supported on the lower tool; an upper tool . . . *a plurality of punches . . . shaped for engaging blanks* . . . [and] a respective suction device *on each of the punches . . . for selectively sucking to hold the blanks to the punches.*" By providing a plurality of holes shaped to the blanks and suction devices arranged on the punch devices, the device of claim 1 allows for a precise control of the blank while punching the blank from a sheet of material. That is, since the suction device applies suction to the blank while the blank is being punched, the blank remains fixed to the punch (i.e., does not uncontrollably fall). The punch may then deposit the blank (e.g., into a collection pile) in a controlled fashion by releasing the suction supplied by the suction devices. The apparatuses of DE '579 and Mano do not disclose such features and, as such, are susceptible to uncontrollable placement of blanks after punching.

DE '579 includes a support element 2 equipped with an elastic member 1. The upper part of the device includes a frame (i.e., a punch member 3) having pins 4 and a suction cup 6. The pins 4 (i.e., punches) are aligned with waste pieces 7, such that these pieces 7 rip from blank 8 when the pins 4 are moved downward with respect to the elastic member 1. After the waste pieces 7 are discarded into lowered receptacles on elastic member 1, the suction cup 6 applies a vacuum force to blank 8, such that blank 8 remains at a distance "a" above the discarded waste pieces 7. Mano discloses a stripping apparatus having a pair of first and second base plates having holes for receiving pressing pins.

It is respectfully submitted that neither DE '579 nor Mano discloses "a lower tool . . . having a plurality of openings therein generally shaped, sized and positioned to the blanks on

the sheet,” as recited in claim 1. Initially, it is noted that the device of DE ‘579 discloses no holes whatsoever, much less holes “generally shaped, sized and positioned to the blanks.” This reference discloses a single elastic member 1, having lowered receptacles for receiving waste pieces 7. These receptacles (which are not “holes”) are shaped to receive waste pieces 7, not blank 8 and, as such, are not “generally shaped, sized and positioned to the blanks.” Mano does not disclose openings for receiving blanks, but rather discloses holes shaped to receive punching pins.

Further regarding claim 1, it is respectfully submitted that neither DE ‘579 nor Mano discloses “a respective suction device *on each of the punches . . . for selectively sucking to hold the blanks to the punches*,” as recited in this claim. As described above, the only punches disclosed by DE ‘579 are pins 4, which are used to engage waste pieces 7 to remove them from blank 8. The suction cup 6, which is clearly separated from the punches 4 and positioned therebetween, is operable to engage blank 8, not waste pieces 7. Thus, the devices used to punch (i.e. pins 4) do not contain a suction cup 6, and the suction cup 6 does not hold blank 8 to the devices used to punch (i.e. pins 4). Mano does not disclose any suction devices whatsoever and, as such, fails to cure the critical deficiencies of DE ‘579 as applied against claim 1.

For at least the foregoing reasons, it is respectfully submitted that claim 1 is allowable over the combination of DE ‘579 and Mano. Since claims 2-9 and 16 ultimately depend from claim 1, it is respectfully submitted that these claims are allowable over DE ‘579 and Mano for at least the same reasons. Furthermore, since independent claim 10 recites features analogous to claim 1 – i.e., “*positioning the previously cut blanks above openings* defined in a lower blanking device tool” and “*activating suction in suction devices of punches above each of the blanks* such that the suction devices would *hold the blanks to the punches*,” and since claims 11-15 ultimately depend from claim 10, it is respectfully submitted that these claims are allowable over DE ‘579 and Mano for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 1-16 under 35 U.S.C. § 103(a) be withdrawn.

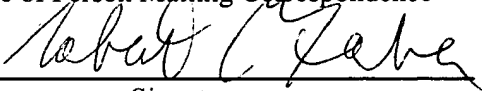
## II. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on November 30, 2004

Robert C. Faber

\_\_\_\_\_  
Name of Person Mailing Correspondence

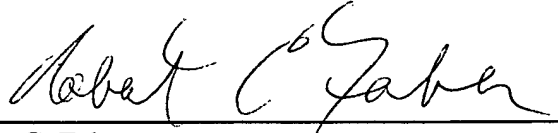
  
\_\_\_\_\_  
Signature

November 30, 2004

\_\_\_\_\_  
Date of Signature

RCF:BND

Respectfully submitted,

  
\_\_\_\_\_

Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700